



**Office of the Attorney General
State of Texas**

DAN MORALES
ATTORNEY GENERAL

January 31, 1994

Mr. Hugh W. Davis
Assistant City Attorney
The City of Fort Worth
1000 Throckmorton
Fort Worth, Texas 76102

OR94-054

Dear Mr. Davis:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code (former V.T.C.S. article 6252-17a).¹ Your request was assigned ID# 23247.

The City of Fort Worth (the "city") received an open records request for "all verbal communications between First United Methodist Church and Fort Worth Police Department from 10/29/93 to present." You have submitted to this office for review tape recordings of several telephone conversations and written summaries of other telephone conversations pertaining to a potential disturbance at the Methodist church. You contend that the requested information comes under the protection of sections 552.103 and 552.108 of the Government Code.

Section 552.108, known as the "law enforcement" exception, excepts from required public disclosure:

- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime
[and]

¹The Seventy-third Legislature repealed article 6252-17a, V.T.C.S. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement

Whether this exception applies to particular records depends on whether their release would "unduly interfere" with the prosecution or prevention of crime. Open Records Decision No. 434 (1986). Whether disclosure of particular records will unduly interfere with these law enforcement interests must be decided on a case-by-case basis. Attorney General Opinion MW-381 (1981).

After reviewing the tape recordings and summaries, this office believes that these records show on their face how the release of this information may unduly interfere with the Fort Worth Police Department's law enforcement interests. Accordingly, the city may withhold these materials from the public in their entirety.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Susan Garrison
Assistant Attorney General
Open Government Section

SG/RWP/rho

Ref.: ID# 23247
ID# 23388
ID# 23504

Enclosures: Submitted documents

cc: Lt. Col. Jerry Goode
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(w/o enclosures)